

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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JAN 17 2007

Applicant:	KABUSHIKI KAISHA TOSHIBA	Date of Notification: Date: 3 Month: 11 Year: 2006
Attorney:	DONG Xin	
Application No.:	200410005207.4	
Title of the Invention:	SERVICE PROVIDING APPARATUS AND SERVICE PROVIDING METHOD	

ご参考

Notification of the First Office Action

- ☒ The applicant requested examination as to substance on _____ and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
- ☒ The applicant claimed priority/priorities based on the application(s):
 filed in JP on Feb. 17, 2003, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____,
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
☐ The application is a PCT continuation.
- ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law.
☐ Rule 51 of the Implementing Regulations of the Patent Law.
 The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
- ☒ Examination as to substance was directed to the initial application documents as filed.
☐ Examination as to substance was directed to the documents as specified below:
 claims _____, pages _____ of the description and drawings _____ filed on the date of filing,
 claims _____, pages _____ of the description and drawings _____ submitted on _____,
 claims _____, pages _____ of the description and drawings _____ submitted on _____,
 and the abstract submitted on _____.
- ☐ This Notification is issued without search reports.
☒ This Notification is issued with consideration of the search results.
☒ Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	EP 1213882A2 - Filed 3/8/06	Date: <u>12</u> Month: <u>06</u> Year: <u>2002</u>
2	EP 1133119A2 ✓	Date: <u>12</u> Month: <u>09</u> Year: <u>2001</u>
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☐ Claim(s) ____ is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) ____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☐ Claim(s) ____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☒ Claim(s) 1-4,6,8-12 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) ____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☐ Claim(s) ____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) ____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☐ Claim(s) ____ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
 - ☐ Claim(s) ____ does/do not comply with Article 9 of the Patent Law.
 - ☐ Claim(s) ____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 5 pages and the following attachments:

- ☒ 2 cited reference(s), totaling 24 pages.
- ☐

Examination Dept. 3 Examiner: WANG Qiong Seal of the Examination Department

Text of the Notification of the First Office Action

As disclosed in the specification, the present application relates to a service providing apparatus and a service providing method. After examination, the examination opinions are provided as follows:

Claim 1 does not possess inventiveness as stipulated in Article 22.3 of the CPL. Reference 1 (EP 1213882A2) has disclosed a method and apparatus for granting access to a service provided by a plurality of service communications devices to a user communications device, and specifically disclosed the following technical features: a communication system comprising a user communications device, a first and a second service communications device, the first and second service communications device each providing a service; the user communications device and the first and second service communications devices each including a respective transmit/receive unit for transmitting and receiving data signals via respective communications links between the user communications device and a selected one of the first and second service communications devices; a selected one of the user communications device and the first service communications device comprising first processing means adapted to generate at least a part of an access key code during an initialisation procedure of a first communication link between the user communications device and the first service communications device, the access key code being indicative of the user communications device and the service; the user communications device including a second processing means adapted to retrieve the access key code from the first storage means and to use the retrieved access key code during an authentication procedure of a second communications link between the user communications device and the second service communications device; the system including a communication network interconnecting the first and second service communications devices and adapted to make the access key code available to at least the second service communications device; the second service communications device including third processing means adapted to receive the access key code via the communications network and to use the received access key code during the authentication procedure of the second communications link (see lines 41-52 of page 3, lines 12-28 of page 5, lines 43-58 of page 6, lines 4-7 and 40-42 of page 7, lines 15-42 of page 8, and line 55 of page 8 through line 13 of page 10, and Figures 1-2, 3b, 5a-5c).

Reference 2 (EP 1133119A2) has disclosed a technique for a proximity based service adaption, and specifically disclosed the following technical features: a system is provided for adapting a user service. A user's mobile phone or other mobile terminal is provided that is usually carried with a user. The mobile phone or mobile terminal

includes a radio unit or establish a radio link with the radio units of one or more devices or terminals. A user's computer is provided and includes a radio unit to establish a radio link with one or more radio units in other terminals or devices including the user's mobile phone and an interface unit coupled to the computer radio unit to determine a proximity state of the user's mobile phone with respect to the user's computer based on a state of a radio link between the radio units of the computer and the mobile phone. The user's computer also includes a service adaption unit coupled to the interface unit to configure one or more user services based on the proximity state of the mobile phone with respect to the computer (see lines 36-47 of column 2, line 52 of column 3 through line 35 of column 4, lines 30-40 of column 5, lines 30-42 of column 7, and lines 28-56 of column 8, and Figures 2-4).

Therefore, it can be seen that References 1 and 2 have disclosed all the technical features of Claim 1. It is obvious for those skilled in the art to obtain the technical solution as claimed in Claim 1 by combining Reference 2 with Reference 1, and such a combination fails to bring out any unexpected technical effect. Therefore, the technical solution as claimed in Claim 1 does not have prominent substantive features and fails to represent a notable progress, and thus does not possess the inventiveness.

2. The additional technical features as defined in dependent Claims 2-4 and 6 have been disclosed in Reference 1 in which the following technical features have been disclosed: first processing means adapted to generate at least a part of an access key code during an initialisation procedure of a first communication link between the user communications device and the first service communications device, the access key code being indicative of the user communications device and the service; the access key code is baseband link key; and the initialization procedure is a Bluetooth pairing procedure; storing a second data item in the first storage means in relation to the access key code, the second data item indicating the service identification code; using the access key code to generate an encryption key for encrypting the second communications link; the step of generating an access key code comprises the steps of generating a first part of the access key code in the user communications device; generating a second part of the access key code in the first service communications device; transmitting the first part of the access key code from the user communications device to the first service communications device; and transmitting the second part of the access key code from the first service communications device to the user communications device; storing a third data item in a second storage means of the second service communications device, the third data item indicating the access key code; making the access key code available to at least a second one of the plurality of service communications devices; and storing a fourth data item in a database, the fourth data item indicating the access key code (see the claims), and they play the same role in Reference 1 as in Claims 2-4 and 6. Therefore, these

dependent claims do not possess the inventiveness as stipulated in Art.22.3 of the CPL when claim 1 to which they refers does not possess the inventiveness.

3. The additional technical features as defined in dependent Claims 8-11 have been disclosed by Reference 2 in which the following technical features have been disclosed: computer 204 includes a radio unit for establishing a short-range wireless communications link with another radio unit. In an example embodiment, the radio unit 210 is a Bluetooth unit; monitoring or supervising a radio link between the computer and the mobile terminal, the proximity state being a "close" proximity if the radio link exists and being a "far" proximity if the radio link does not exist; or monitoring or supervising a radio link is performed based on whether the link supervision timer reaches a predetermined value; and the step of determining is performed based on whether the transmit power from either the computer or the mobile terminal reaches a threshold value (see the claims of reference 2).

It is obvious for those skilled in the art to obtain the technical solutions as claimed in Claims 8-11 by combining Reference 2 with Reference 1, and such a combination fails to bring out any unexpected technical effect. Therefore, the technical solutions as claimed in Claims 8-11 do not have prominent substantive features and fail to represent a notable progress, and thus does not possess inventiveness.

4. Claim 12 does not possess inventiveness as stipulated in Article 22.3 of the CPL.

Reference 1 (EP 1213882A2) has disclosed a method and apparatus for granting access to a service provided by a plurality of service communications devices to a user communications device, and specifically disclosed the following technical features: a communication system comprising a user communications device, a first and a second service communications device, the first and second service communications device each providing a service; the user communications device and the first and second service communications devices each including a respective transmit/receive unit for transmitting and receiving data signals via respective communications links between the user communications device and a selected one of the first and second service communications devices; a selected one of the user communications device and the first service communications device comprising first processing means adapted to generate at least a part of an access key code during an initialisation procedure of a first communication link between the user communications device and the first service communications device, the access key code being indicative of the user communications device and the service; the user communications device including a second processing means adapted to retrieve the access key code from the first storage means and to use the retrieved access key code during an authentication procedure of a second communications link between the

user communications device and the second service communications device; the system including a communication network interconnecting the first and second service communications devices and adapted to make the access key code available to at least the second service communications device; the second service communications device including third processing means adapted to receive the access key code via the communications network and to use the received access key code during the authentication procedure of the second communications link (see lines 41-52 of page 3, lines 12-28 of page 5, lines 43-58 of page 6, lines 4-7 and 40-42 of page 7, lines 15-42 of page 8, and line 55 of page 8 through line 13 of page 10, and Figures 1-2, 3b, 5a-5c).

Reference 2 (EP 1133119A2) has disclosed a technique for a proximity based service adaption, and specifically disclosed the following technical features: a system is provided for adapting a user service. A user's mobile phone or other mobile terminal is provided that is usually carried with a user. The mobile phone or mobile terminal includes a radio unit or establish a radio link with the radio units of one or more devices or terminals. A user's computer is provided and includes a radio unit to establish a radio link with one or more radio units in other terminals or devices including the user's mobile phone and an interface unit coupled to the computer radio unit to determine a proximity state of the user's mobile phone with respect to the user's computer based on a state of a radio link between the radio units of the computer and the mobile phone. The user's computer also includes a service adaption unit coupled to the interface unit to configure one or more user services based on the proximity state of the mobile phone with respect to the computer (see lines 36-47 of column 2, line 52 of column 3 through line 35 of column 4, lines 30-40 of column 5, lines 30-42 of column 7, and lines 28-56 of column 8, and Figures 2-4).

Therefore, it can be seen that References 1 and 2 have disclosed all the technical features of Claim 12. It is obvious for those skilled in the art to obtain the technical solution as claimed in Claim 12 by combining Reference 2 with Reference 1, and such a combination fails to bring out any unexpected technical effect. Therefore, the technical solution as claimed in Claim 12 does not have prominent substantive features and fails to represent a notable progress, and thus does not possess inventiveness.

Due to the reasons above, the present application cannot be allowed based on the present application document. If the applicant amends the present application document in accordance with the comments proposed in the office action and overcome all the existed essential and formal defects, the application has a prospect to be granted a patent right. Otherwise, the application will be rejected. The applicant should note that the amendment to the application document shall be in line with

Article 33 of the CPL, not going beyond the scope of the disclosure contained in the initial description and claims.

The examiner: Wang Qiong

Code: 3309

中华人民共和国国家知识产权局

邮政编码: 100037

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董莘

发文日期

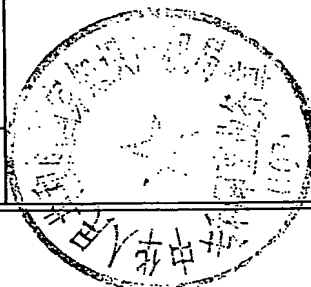
E040313

申请号: 2004100052074



申请人: 株式会社东芝

发明创造名称: 业务提供装置以及业务提供方法



第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 2003 年 02 月 17 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 经审查, 申请人于:

年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的

4. 审查针对的申请文件:

☒ 原始申请文件。 ☐ 审查是针对下述申请文件的

申请日提交的原始申请文件的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的权利要求第	项、说明书第	页、附图第	页;
年 月 日提交的说明书摘要,	年 月	日提交的摘要附图。	

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期(或抵触申请的申请日)
1	EP1213882 A2	2002-6-12
2	EP1133119 A2	2001-9-12

6. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。



- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
☐ 说明书不符合专利法第 33 条的规定。
☐ 说明书的撰写不符合实施细则第 18 条的规定。
☐

☒ 关于权利要求书:

- ☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 1-4, 6, 8-12 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 不符合专利法第 33 条的规定。
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☐ 权利要求 不符合专利法实施细则第 20 条的规定。
☐ 权利要求 不符合专利法实施细则第 21 条的规定。
☐ 权利要求 不符合专利法实施细则第 22 条的规定。
☐ 权利要求 不符合专利法实施细则第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 5 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份 24 页。 ☐

审查员: 王琼(3309)

2006 年 10 月 12 日



审查部门 通信审查部



第一次审查意见通知书正文

申请号：2004100052074

如说明书所述，本申请涉及一种业务提供装置以及业务提供方法。经审查，现提出如下审查意见。

权利要求1不具备创造性，不符合专利法第22条第3款的规定。对比文件1公开了一种允许用户通信装置存取通过多个业务通信装置提供的业务的方法和装置，具体公开了：一种通信系统包括用户通信装置，第一和第二业务通信装置，第一和第二业务通信装置每个提供业务；该用户通信和第一以及第二业务通信装置每个包括各自的发射/接收单元，用于经由在用户通信装置和所选择的第一以及第二业务通信装置的一个之间的各自的通信链路收发数据信号；所选择的用户通信装置和第一业务通信装置的一个包括第一处理装置，该第一处理装置适用于在用户通信装置以及第一业务通信装置之间的第一通信链路初始化过程期间产生至少一部分存取键控代码，该存取键控代码表示用户通信装置以及该业务；该用户通信装置包括第二处理设备，该第二处理设备适用于从第一存储设备回收存取的键控代码，并且在用户通信装置以及第二业务通信装置之间的第二通信链路的鉴别过程期间使用回收的存取键控代码；该系统包括互连第一和第二业务通信装置的通信网络，并且适用于存取对于至少第二业务通信装置有效的密钥代码；第二业务通信装置包括适于经由通信网络接收存取键控代码的第三处理设备，并且在第二通信链路的鉴别过程期间使用接收的存取键控代码。（参见对比文件1第3页第41-52行，第5页第12-28行，第6页第43-58行，第7页第4-7，40-42行，第8页第15-42行，第55行-第10页第13行，图1，2，3b，5a，5b，5c）。对比文件2公开了一种近距离通信方法，具体公开了：用于用户服务的系统包括：用户的移动式电话，该移动式电话包括确定与一个或多个装置的射频单元通信的无线电链路的射频单元；和用户的计算机，该计算机包括：确定与其它线端（包括该用户移动式电话）中

的一个或多个射频单元通信的无线电链路的射频单元；联接于计算机射频单元以根据计算机和移动式电话的射频单元之间的无线电链路的状态确定移动式电话相对于计算机的接近度状态的接口装置；和联接于接口装置以根据移动式电话相对于计算机的接近度状态配置一个或多个用户业务的业务适应单元（参见对比文件2第2栏第36-47行，第3栏第52-第4栏第35行，第5栏第30-40行，第7栏第30-42行，第8栏第28-56行，图2，3，4）。由此可见，对比文件1和对比文件2已经披露了该权利要求的全部技术特征。在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对所述技术领域的技术人员来说是显而易见的，而且两者的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

从属权利要求2-4，6的附加技术特征也已在对比文件1中公开：第一处理装置适用于在用户通信装置以及第一业务通信装置之间的第一通信链路初始化过程期间产生至少一部分存取键控代码，该存取键控代码表示用户通信装置以及该业务，该存取键控代码是基带链路密钥；并且产生存取键控代码的步骤属于蓝牙配对过程，在与存取键控代码有关的第一存储装置中储存第二数据项，第二数据项表示业务标识代码，使用存取键控代码产生用于编码第二通信链路的加密密钥，产生存取键控代码包括在用户通信装置中产生该存取键控代码的第一部分的步骤；在第一业务通信装置中产生存取键控代码的第二部分；从用户通信装置将存取键控代码的第一部分发射到第一业务通信装置；以及从第一业务通信装置将存取键控代码的第二部分发射到用户通信装置在第二业务通信的第二存储装置中储存第三数据项，第三数据项表示存取键控代码，使存取键控代码对于多个业务通信装置的至少第二个有效，在数据库中储存第四数据项，第四数据项表示存取键控代码（参见对比文件1的权利要求书），且其在该对比文件中所

起的作用与其在本发明中所起的作用相同，在其引用的权利要求不具备创造性的情况下，这些从属权利要求也不具备专利法第二十二条第三款规定的创造性。

从属权利要求8-11的附加技术特征已在对比文件2中公开：计算机204射频单元，用于确定与别一个无线单元的短距无线通讯链路。在一个实施例中，该射频单元210是蓝牙单元。监视在计算机以及移动终端之间的无线电链路，如果无线电链路存在，接近度状态是“近的”，如果无线电链路不存在接近度状态是“远的”，或根据链路检查时间达到一种预先确定的值与否，或发射功率达到阈值与否来判断。（参见对比文件2的权利要求书），在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，而且它们的结合没有产生预料不到的效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款所规定的创造性。

权利要求12不具备创造性，不符合专利法第22条第3款的规定。对比文件1公开了一种允许用户通信装置存取通过多个业务通信装置提供的业务的方法和装置，具体公开了：一种通信系统包括用户通信装置，第一和第二业务通信装置，第一和第二业务通信装置每个提供业务；该用户通信和第一以及第二业务通信装置每个包括各自的发射/接收单元，用于经由在用户通信装置和所选择的第一以及第二业务通信装置的一个之间的各自的通信链路收发数据信号；所选择的用户通信装置和第一业务通信装置的一个包括第一处理装置，该第一处理装置适用于在用户通信装置以及第一业务通信装置之间的第一通信链路初始化过程期间产生至少一部分存取键控代码，该存取键控代码表示用户通信装置以及该业务；该用户通信装置包括第二处理设备，该第二处理设备适用于从第一存储设备回收存取的键控代码，并且在用户通信装置以及第二业务通信装置之间的第二通信链路

的鉴别过程期间使用回收的存取键控代码；该系统包括互连第一和第二业务通信装置的通信网络，并且适用于存取对于至少第二业务通信装置有效的密钥代码；第二业务通信装置包括适于经由通信网络接收存取键控代码的第三处理设备，并且在第二通信链路的鉴别过程期间使用接收的存取键控代码。（参见对比文件1第3页第41-52行，第5页第12-28行，第6页第43-58行，第7页第4-7，40-42行，第8页第15-42行，第55行-第10页第13行，图1，2，3b，5a，5b，5c）。对比文件2公开了一种近距离通信方法，具体公开了：用于用户服务的系统包括：用户的移动式电话，该移动式电话包括确定与一个或多个装置的射频单元通信的无线电链路的射频单元；和用户的计算机，该计算机包括：确定与其它线端（包括该用户移动式电话）中的一个或多个射频单元通信的无线电链路的射频单元；联接于计算机射频单元以根据计算机和移动式电话的射频单元之间的无线电链路的状态确定移动式电话相对于计算机的接近度状态的接口装置；和联接于接口装置以根据移动式电话相对于计算机的接近度状态配置一个或多个用户业务的业务适应单元（参见对比文件2第2栏第36-47行，第3栏第52-第4栏第35行，第5栏第30-40行，第7栏第30-42行，第8栏第28-56行，图2，3，4）。由此可见，对比文件1和对比文件2已经披露了该权利要求的全部技术特征。在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对所述技术领域的技术人员来说是显而易见的，而且两者的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

基于上述理由，本申请按照目前的文本还不能被授予专利权。如果申请人按照本通知书提出的审查意见对申请文件进行修改，克服所存在的实质缺陷和形式缺陷，则本申请可望被授予专利权，否则本申请将被驳回。请申请人注意，对申请文件的修改应当符合专利法第33条的规定，不得超

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